

## Message Text

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CIAE-00 CIEP-01 OFA-01 COME-00 DODE-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 TRSE-00 H-02 INR-07 INT-05

JUSE-00 L-03 NSAE-00 NSC-05 NSF-01 OES-03 OMB-01

PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06 /146 W

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 3841

AMEMBASSY SANTIAGO

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C O N F I D E N T I A L SECTION 1 OF 4 USUN 5824

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: NEW YORK TUNA TALKS

1. WEDNESDAY AFTERNOON (11/5) AND THURSDAY MORNING  
(11/6) SESSIONS WERE TAKEN UP WITH SPOKESMEN PRESENTING  
THE PRINCIPLES THEIR DELEGATIONS SOUGHT TO INCLUDE  
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IN LOS ARTICLE ON HIGHLY MIGRATORY SPECIES.

2. THURSDAY AFTERNOON DISCUSSION BEGAN ON TWO DRAFT ARTICLE 53S (ALTERNATIVES A AND B) SUBMITTED BY THE US A DRAFT ARTICLE 53 SUBMITTED BY PERU AND A PRINCIPLES PAPER OFFERED BY MEXICO. TEXTS OF DRAFTS SET OUT ABOVE FOLLOW.

A. US ARTICLE 53 (ALTERNATIVE A)

(1) THE COASTAL STATE, WHILE EXERCISING THE RIGHTS RECOGNIZED IN THIS CONVENTION, WILL REGULATE, WITHIN ITS EXCLUSIVE ECONOMIC ZONE, FISHING FOR THOSE HIGHLY MIGRATORY SPECIES WHICH ARE LISTED IN THE ANNEX, AS PROVIDED IN THIS ARTICLE.

(2) THE COASTAL STATE AND THE OTHER STATES WHOSE NATIONALS FISH FOR HIGHLY MIGRATORY SPECIES IN A REGION SHALL ESTABLISH AN APPROPRIATE INTERNATIONAL ORGANIZATION, TO ENSURE THE CONSERVATION AND OPTIMUM UTILIZATION OF SUCH SPECIES THROUGHOUT THE REGION, BOTH WITHIN AND BEYOND 200 MILES. IN THOSE REGIONS WHERE THERE IS NO ADEQUATE INTERNATIONAL ORGANIZATION, THE COASTAL STATES AND THE OTHER STATES WHOSE NATIONALS FISH FOR THOSE SPECIES IN THE REGION SHALL ESTABLISH SUCH AN ORGANIZATION AND PARTICIPATE IN ITS WORK.

(3) ON THE BASIS OF THE BEST AVAILABLE SCIENTIFIC AND OTHER PERTINENT INFORMATION, THE MEMBER STATES SHALL, THROUGH THE ORGANIZATION, AGREE ON RULES AND REGULATIONS TO ENSURE CONSERVATION AND OPTIMUM UTILIZATION OF THOSE HIGHLY MIGRATORY SPECIES THROUGHOUT THE REGION, INCLUDING A DETERMINATION OF THE TOTAL ALLOWABLE CATCH, ALLOCATIONS, AND A UNIFORM SYSTEM APPLICABLE THROUGHOUT THE REGION OF LICENSES AND MATRICULA FOR FISHING VESSELS, APPROPRIATE FEES FOR FISH CAUGHT, AND A UNIFORM SYSTEM OF FINES AND PENALTIES FOR VIOLATIONS. THE ORGANIZATION MAY TAKE WHATEVER OTHER ACTIONS IT DEEMS APPROPRIATE TO ENSURE CONSERVATION AND OPTIMUM UTILIZATION OF HIGHLY MIGRATORY SPECIES.

4. (A) IN DRAWING UP SUCH RULES AND REGULATIONS  
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THE ORGANIZATION SHALL TAKE INTO ACCOUNT ALL PERTINENT FACTORS AND CIRCUMSTANCES, INCLUDING, AMONG OTHER THINGS, AN ESTIMATE OF THE FISH POPULATIONS, THEIR MIGRATORY RANGE AND THE EXTENT OF THEIR EXPLOITATION AND THE EFFECTS OF THEIR CAPTURE ON ASSOCIATED OR DEPENDENT SPECIES WITH A VIEW TO MAINTAINING OR RESTORING POPULATIONS OF SUCH ASSOCIATED OR DEPENDENT SPECIES ABOVE LEVELS AT WHICH THEIR REPRODUCTION MAY BECOME THREATENED.

4. (B) RULES AND REGULATIONS SHALL ENSURE THAT THE SPECIES ARE NOT ENDANGERED BY OVER-EXPLOITATION AND SHALL BE DESIGNED TO MAINTAIN OR RESTORE POPULATIONS OF HARVESTED SPECIES AT LEVELS WHICH CAN PRODUCE MAXIMUM SUSTAINABLE YIELD, AS QUALIFIED BY RELEVANT ENVIRONMENTAL AND ECO-ECONOMIC FACTORS.

5. ALLOCATIONS ESTABLISHED BY THE ORGANIZATION SHALL PROVIDE AN APPROPRIATE PREFERENCE FOR COASTAL STATES OF THE REGION AND, SUBJECT TO SUCH PREFERENCE, SHALL RESPECT NORMAL CATCH AND EXISTING FISHING PATTERNS FOR HIGHLY MIGRATORY SPECIES, AND SHALL GIVE CONSIDERATION TO THE NEEDS AND POSSIBILITIES FOR DEVELOPMENT OF THE CAPACITY FOR SUCH FISHING BY THE LESS WELL DEVELOPED COASTAL STATES OR MIXED ECONOMY COMPANIES OF STATES IN THE REGION.

6. THE MEMBER STATES OF THE ORGANIZATION SHALL ENSURE THAT THEIR LEGISLATION IS IN AGREEMENT WITH THE RULES AND REGULATIONS DRAWN UP BY THE ORGANIZATION.

7. IN CONFORMITY WITH ARTICLE 60, THE COASTAL STATE SHALL ADOPT ALL NECESSARY MEASURES AND SHALL COOPERATE WITH OTHER STATES OF THE ORGANIZATION FOR THE PURPOSE OF ENSURING, WITHIN ITS EXCLUSIVE ECONOMIC ZONE, THAT ALL VESSELS COMPLY WITH THE AGREED RULES AND REGULATIONS. THE MEMBER STATES OF THE ORGANIZATION WILL AGREE ON EFFECTIVE MEASURES FOR THE ENFORCEMENT, WITH RESPECT TO MEMBERS, OF THE AGREED RULES AND REGULATIONS BEYOND THE EXCLUSIVE ECONOMIC ZONE.

8. NOTHING IN THE PRESENT CONVENTION SHALL RESTRICT  
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THE RIGHT OF A COASTAL STATE OR INTERNATIONAL ORGANIZATION, AS APPROPRIATE, TO PROHIBIT, REGULATE AND LIMIT THE EXPLOITATION OF MARINE MAMMALS. STATES SHALL CO-OPERATE EITHER DIRECTLY OR THROUGH APPROPRIATE INTERNATIONAL ORGANIZATIONS WITH A VIEW TO THE PROTECTION AND MANAGEMENT OF MARINE MAMMALS.

US ARTICLE 53 (ALTERNATIVE B)

(1) THE PROVISIONS OF THIS ARTICLE SHALL APPLY TO THE REGULATIONS WITHIN AND BEYOND THE EXCLUSIVE ECONOMIC ZONE OF FISHING FOR THE HIGHLY MIGRATORY SPECIES LISTED IN THE ANNEX.

(2) THE COASTAL STATE AND OTHER STATES WHOSE NATIONALS

FISH HIGHLY MIGRATORY SPECIES IN A REGION SHALL ESTABLISH AN APPROPRIATE INTERNATIONAL ORGANIZATION TO ENSURE CONSERVATION AND OPTIMUM UTILIZATION OF SUCH SPECIES THROUGHOUT THE REGION, BOTH WITHIN AND BEYOND THE EXCLUSIVE ECONOMIC ZONE. IN REGIONS WHERE NO APPROPRIATE INTERNATIONAL ORGANIZATION EXISTS, THE COASTAL STATE AND OTHER OTHER STATES WHOSE NATIONALS HARVEST THESE SPECIES IN THE REGION SHALL ESTABLISH SUCH AN ORGANIZATION AND PARTICIPATE IN ITS WORK.

(3) NOTHING IN THE PRESENT CONVENTION SHALL RESTRICT THE RIGHT OF A COASTAL STATE OR INTERNATIONAL ORGANIZATION, AS APPROPRIATE, TO PROHIBIT, REGULATE AND LIMIT THE EXPLOITATION OR MARINE MAMMALS. STATES SHALL CO-OPERATE EITHER DIRECTLY OR THROUGH APPROPRIATE INTERNATIONAL ORGANIZATIONS WITH A VIEW TO THE PROTECTION AND MANAGEMENT OF MARINE MAMMALS.

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C O N F I D E N T I A L SECTION 2 OF 4 USUN 5824

B. PERUVIAN ARTICLE 53

1. THE COASTAL STATE, IN THE EXERCISE OF THE SOVEREIGN RIGHTS RECOGNIZED IN THE PRESENT CONVENTION, WILL REGULATE, WITHIN ITS EXCLUSIVE ECONOMIC ZONE, FISHING FOR THOSE HIGHLY MIGRATORY SPECIES WHICH ARE LISTED IN THE ANNEX, IN ACCORDANCE WITH THE PROVISIONS CONTAINED IN ARTICLES  
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50, 51 AND 52 AND THOSE ESTABLISHED IN THE PRESENT ARTICLE.

2. THE COASTAL STATE AND THE OTHER STATES WHOSE NATIONALS HAVE BEEN FISHING FOR HIGHLY MIGRATORY SPECIES IN THE REGION SHALL COOPERATE DIRECTLY OR THROUGH APPROPRIATE INTERNATIONAL ORGANIZATIONS, WITH A VIEW TO ENSURING CONSERVATION AND OPTIMUM UTILIZATION OF SUCH SPECIES THROUGHOUT THE REGION. IN REGIONS WHERE NO APPROPRIATE INTERNATIONAL ORGANIZATION EXISTS, COASTAL STATES AND THE OTHER STATES WHOSE NATIONALS HAVE BEEN FISHING FOR THOSE SPECIES IN THE REGION SHALL COOPERATE TO ESTABLISH SUCH AN ORGANIZATION AND PARTICIPATE IN ITS WORK.

3. ON THE BASIS OF THE AVAILABLE SCIENTIFIC EVIDENCE AND OTHER PERTINENT INFORMATION, THE MEMBER STATES SHALL, THROUGH THE ORGANIZATION, FORMULATE RULES DESIGNED TO ENSURE CONSERVATION OF HIGHLY MIGRATORY SPECIES THROUGHOUT THE REGION, INCLUDING THE DETERMINATION OF THE MAXIMUM ALLOWABLE CATCH. THE ORGANIZATION SHALL ALSO FORMULATE RECOMMENDATIONS WITH REGARD, INTER ALIA, TO EQUITABLE ALLOCATION, LICENSES, FEES AND PENALTIES.

4. IN FORMULATING SUCH RULES AND RECOMMENDATIONS, THE ORGANIZATION SHALL TAKE INTO ACCOUNT ALL RELEVANT FACTORS AND CIRCUMSTANCES, INCLUDING, INTER ALIA, AN ESTIMATE OF THE FISH POPULATIONS, THEIR MIGRATORY RANGE AND THE DEGREE OF THEIR EXPLOITATION; THE VOLUME OF FISH CAPTURED WITHIN AND BEYOND THE EXCLUSIVE ECONOMIC ZONES OF THE COASTAL STATES; THE NEED TO PREVENT OVEREXPLOITATION

OF THE SPECIES; THE EFFECTS OF THEIR CAPTURE ON ASSOCIATED OR DEPENDENT SPECIES WITH A VIEW TO MAINTAINING OR RESTORING FISH POPULATIONS ABOVE LEVELS AT WHICH THEIR REPRODUCTION MAY BECOME THREATENED; THE HARVESTING CAPACITY OF STATES FISHING HIGHLY MIGRATORY SPECIES IN THE REGION; THE NEEDS AND POSSIBILITIES FOR DEVELOPMENT OF SUCH HARVESTING CAPACITY BY THE RESPECTIVE COASTAL STATES OR MIXED ENTERPRISES IN WHICH THE STATES PARTICIPATE; AND OTHER ECOLOGIC, ECONOMIC AND MANAGEMENT ASPECTS PROVIDED FOR IN ARTICLES 50 AND 51.  
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5. THE ADOPTION OF RULES AND RECOMMENDATIONS BY THE ORGANIZATION SHALL REQUIRE, IN THE ABSENCE OF AGREEMENT, A TWO-THIRD MAJORITY OF THE STATES PRESENT AND VOTING. THE ADOPTION OF RECOMMENDATIONS RELATED TO THE ALLOWABLE CATCH WITHIN THE EXCLUSIVE ECONOMIC ZONE OF A STATE SHALL REQUIRE THE AGREEMENT OF THAT STATE.

6. THE MEMBER STATES OF THE ORGANIZATION SHALL ENSURE THAT THEIR NATIONAL LEGISLATION IS IN AGREEMENT WITH THE RULES FORMULATED BY THE ORGANIZATION AND THAT THE RECOMMENDATIONS ARE TAKEN INTO ACCOUNT. THE MEMBER STATES SHALL ALSO ENSURE THAT THEIR NATIONALS COMPLY WITH THE AGREED RULES ON FISHING FOR HIGHLY MIGRATORY SPECIES.

7. THE GRANTING BY A COASTAL STATE TO NATIONALS OF OTHER STATES OF ACCESS TO FISH FOR THAT PORTION OF THE ALLOWABLE CATCH OF HIGHLY MIGRATORY SPECIES, WITHIN ITS EXCLUSIVE ECONOMIC ZONE, WHICH IT DOES NOT ITSELF HAVE THE CAPACITY TO HARVEST, SHALL BE SUBJECT, AS APPROPRIATE, TO THE PROVISIONS OF ARTICLE 51, PARAGRAPH 4 AND TO THE TERMS OF AGREEMENTS OR OTHER ARRANGEMENTS BETWEEN THE STATES CONCERNED.

8. THE TERM "FISHING BY NATIONALS OF A STATE" MEANS FISHING BY SHIPS WHICH ARE DULY REGISTERED IN THE STATE AND HAVE THE RIGHT TO FLY ITS FLAG. SUCH STATE MUST EFFECTIVELY EXERCISE ITS JURISDICTION AND CONTROL IN ADMINISTRATIVE, TECHNICAL AND SOCIAL MATTERS OVER SHIPS FLYING ITS FLAG.

9. IN ACCORDANCE WITH ARTICLE 60, THE COASTAL STATE SHALL ADOPT THE NECESSARY MEASURES TO ENSURE, WITHIN ITS EXCLUSIVE ECONOMIC ZONE, COMPLIANCE BY ALL SHIPS WITH THE APPLICABLE FISHING REGULATIONS.

10. FISHING FOR HIGHLY MIGRATORY SPECIES BEYOND THE

EXCLUSIVE ECONOMIC ZONE SHALL BE SUBJECT TO THE PROVISIONS  
OF ARTICLES 103 TO 107 AND OF THE PRESENT ARTICLE.

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11. NOTHING IN THE PRESENT CONVENTION SHALL RESTRICT  
THE RIGHT OF A COASTAL STATE TO PROHIBIT, REGULATE  
OR LIMIT THE EXPLOITATION OF MARINE MAMMALS  
WITHIN ITS EXCLUSIVE ECONOMIC ZONE. STATES SHALL CO-  
OPERATE EITHER DIRECTLY OR THROUGH APPROPRIATE INTER-  
NATIONAL ORGANIZATIONS WITH A VIEW TO ENSURE THE  
PROTECTION AND RATIONAL UTILIZATION OF THESE SPECIES.

C. ARTICLE 53--MEXICAN PRINCIPLES PAPER

BASIC PRINCIPLES:

1. THE COASTAL STATE EXERCISES SOVEREIGN RIGHTS  
OVER ALL THE RESOURCES OF ITS ECONOMIC ZONE, UP TO  
A DISTANCE OF 200 MILES, INCLUDING HIGHLY MIGRATORY SPECIES.

2. THE MIGRATORY NATURE OF CERTAIN SPECIES MAKES  
NECESSARY A SPECIAL TREATMENT FOR THEIR CONSERVATION  
AND EFFECTIVE UTILIZATION, BY MEANS OF A SYSTEM OF CO-  
OPERATION AMONG STATES THROUGH THE APPROPRIATE REGIONAL  
ORGANIZATIONS.

THE FOLLOWING COMPLEMENTARY PRINCIPLES DERIVE FROM  
AND ARE BASED ON THE TWO BASIC PRINCIPLES MENTIONED ABOVE.

1. COMPOSITION OF THE REGIONAL ORGANIZATION

THE COASTAL STATES OR THE REGION, ON THE BASIS  
OF THEIR SOVEREIGN RIGHTS OVER THEIR RESOURCES, AND  
WITH THE PURPOSE OF PROTECTING SUCH RESOURCES WHICH DUE  
TO THEIR NATURE REQUIRE WORLD-WIDE TREATMENT, SHALL BE  
MEMBERS OF THE RESPECTIVE REGIONAL ORGANIZATION. STATES  
NOT BELONGING TO THE REGION WHICH HAVE TRADITIONALLY  
FISHED IN THAT REGION MAY JOIN THE ORGANIZATION, SUB-  
JECT TO THE RULES AND CONDITIONS LAID DOWN BY THE ORGAN-  
IZATION. STATES NOT BELONGING TO THE ORGANIZATION MUST  
RESPECT THE REGIME OF CONSERVATION AND ALLOCATION ESTAB-  
LISHED BY THE ORGANIZATION IN THE CORRESPONDING REGION.

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## 2. POWERS OF THE REGIONAL ORGANIZATION

ON THE BASIS OF THE BEST AVAILABLE SCIENTIFIC  
INFORMATION, THE REGIONAL ORGANIZATION WILL LAY DOWN  
OBLIGATORY RULES TO ENSURE:

A) THE CONSERVATION OF RESOURCES, INCLUDING THE  
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DETERMINATION OF THE TOTAL ALLOWABLE CATCH,



IN ORDER TO OBTAIN THE OPTIMUM SUSTAINABLE YIELD.

B) A UNIFORM SYSTEM OF SANCTIONS APPLICABLE BEYOND 2200 MILES.

TAKING INTO CONSIDERATION ALL THE PERTINENT ELEMENTS, THE ORGANIZATION WILL MAKE RECOMMENDATIONS ON:

- A) THE ALLOCATION OF THE TOTAL ALLOWABLE CATCH BASED ON EQUITABLE PRINCIPLES;
- B) RESTRICTION ON FOREIGN VESSELS BASED ON THE AVAILABLE RESOURCES.
- C) UNIFORM SYSTEM OF LICENSING AND FEES WITHIN THE EXCLUSIVE ECONOMIC ZONE.
- D) A UNIFORM SYSTEM OF SANCTIONS WITHIN THE EXCLUSIVE ECONOMIC ZONE.

### 3. DECISION MAKING

THE OBLIGATORY RULES AND RECOMMENDATIONS OF THE ORGANIZATION SHALL BE ADOPTED BY A 2/3 MAJORITY

### 4. ENFORCEMENT.

NOTE: WHILE THE USG SUBMITTED BOTH ALTERNATIVES A AND B TO THE CHAIRMAN, THE DISCUSSION HAS FOCUSED ENTIRELY ON ALTERNATIVE A.

3. MEETING'S DISCUSSION IMMEDIATELY TURNED TO PARAGRAPH 1 OF US AND PERUVIAN DRAFTS AND THE SOVEREIGN RIGHTS RECOGNIZED THEREIN, AND UNDERScoreD THE BASIC PHILOSOPHICAL DIFFERENCE WITH WHICH VARIOUS NATIONS ARE APPROACHING THE PROBLEMS ASSOCIATED WITH HIGHLY MIGRATORY SPECIES. BASIC LATIN POSITION WHICH IS BEING ESPOUSED IS THAT ARTICLE 53 IS IN NO MANNER TO BE INTERPRETED AS AN EXCEPTION TO COASTAL STATE SOVEREIGNTY WITHIN ECONOMIC ZONE; WHILE THE PURPOSE OF THE INTERNATIONAL ORGANIZATION IS TO CONSERVE ON THE HIGH SEAS THOSE HIGHLY MIGRATORY STOCKS OF IMPORTANCE TO COASTAL STATES. THE US POSITION IS THAT IN ORDER FOR CONSERVATION REGIME TO BE EFFECTIVE ITS RULES REGARDING CONSERVATION AND OPTIMUM UTILIZATION MUST BE BINDING BOTH WITHIN AND BEYOND THE EXCLUSIVE ECONOMIC ZONE AND TO THIS EXTENT ARTICLES 50-52 CANNOT BE APPLIED TO HIGHLY MIGRATORY SPECIES

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WITHIN COASTAL ZONES -- NEVERTHELESS, COASTAL STATE SOVEREIGNTY IS IN NO WAY IMPINGED SINCE COASTAL STATES MUST AGREE THROUGH THE ORGANIZATION BEFORE THE ORGANIZATION COULD ADOPT RULES OF BINDING NATURE.

4. POSSIBLE ACCOMMODATION WAS MADE IN PARAGRAPH 1 BY USING PERUVIAN DRAFT, BUT BY DELETING REFERENCE TO OTHER ARTICLES. THERE SEEMED TO BE A CONSENSUS

(WITH RESERVATION BY ECUADOR AND PERU) FOR CHAIR TO DEVELOP AN PARAGRAPH ALONG THESE LINES FOR FURTHER CONSIDERATION.

5. DISCUSSION CONTINUED BY FOCUSSED ON PARAGRAPH 2 OF BOTH DRAFTS WITH NO CONSENSUS DEVELOPING ON CENTRAL ISSUES. IN THIS REGARD DISCUSSIONS CENTERED ON PERUVIAN DRAFT WITH US NOTING 3 PROBLEMS: THAT "DIRECTLY OR THROUGH" IN LINE THREE OF PARAGRAPH 2 OF PERUVIAN DRAFT WAS UNACCEPTABLE AND THAT OUR POSITION WAS THAT PARAGRAPH SHOULD CLEARLY ESTABLISH THE PRINCIPLE THAT STATES HAD OBLIGATION TO COOPERATE THROUGH THE ORGANIZATION; THAT THE PAST TENSE "HAVE BEEN FISHING" WAS PROBLEM BECAUSE THAT WOULD NOT ALLOW NEW FISHING STATES TO BE PART OF AND BE BOUND BY THE RULE OF THE ORGANIZATION; AND THAT "COOPERATE" IN LINE 9 BE DELETED SO THAT CLAUSE WOULD READ "SPECIES IN THE REGION SHALL ESTABLISH".

6. FRIDAY MORNING (11/7) DISCUSSION FOCUSSED ON PARAGRAPH 3 OF BOTH DRAFTS. PARAGRAPH IS CENTRAL TO BOTH POSITIONS AND THE QUESTION OF WHETHER STATES ACTING THROUGH THE ORGANIZATION WOULD HAVE THE AUTHORITY TO PASS REGULATIONS WHICH WOULD BE BINDING ON STATES WITHIN THEIR ECONOMIC ZONES CREATED A GREAT DEAL OF DISCUSSION. A CONSENSUS DID DEVELOP THAT THE ORGANIZATION COULD ADOPT BINDING REGULATIONS CONCERNING TOTAL ALLOWABLE CATCH WITHIN THE REGION, BUT THERE WAS NO AGREEMENT ON THE CENTRAL QUESTION OF WHETHER ALLOCATIONS AND OTHER STANDARDS ESTABLISHED BY THE ORGANIZATION WOULD BE BINDING ON COASTAL STATES WITHIN THEIR ECONOMIC ZONES.

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7. FINAL SESSION ON FRIDAY (11/7) WITH DISCUSSION OF CONSERVATION AND ALLOCATION PARAGRAPHS, BUT AFTER PRELIMINARY REMARKS BY SEVERAL DELEGATIONS, EVOLVED INTO REITERATION OF CONCEPTUAL ARGUMENTS REGARDING RELATION OF ARTICLE 53 WITHIN FRAMEWORK OF ECONOMIC ZONE. INTERVENTION BY CHILE STATED THAT ARTICLES 50 AND 51 HAD TO APPLY TO HIGHLY MIGRATORY SPECIES WITH A PREFERENCE TO THE FULL LIMITS OF HARVESTING CAPACITY AS WELL AS THE RIGHT TO BENEFIT FROM THE SURPLUS. BOTH US AND FRANCE POINTED OUT THAT THERE WAS NO QUESTION AS TO COASTAL STATE RIGHTS WITHIN THE ECONOMIC ZONE OR WITH CONCEPTS CONTAINED IN ARTICLES 50 AND 51, BUT BECAUSE OF THE UNIQUENESS OF THE RESOURCE THESE CONCEPTS HAD TO BE APPLIED TO THE STOCK AS A WHOLE. US POINTED OUT THAT UTILIZATION PRINCIPLE HAD TO BE MODIFIED AND APPLIED

THROUGHOUT REGION IF ALL INTERESTS, PARTICULARLY THOSE OF THE COASTAL STATE WERE TO BE PROTECTED. FRANCE NOTED THAT TO ACHIEVE AGREEMENT STATES MUST NOT PURSUE APPLICATION OF THEIR SOVEREIGN RIGHTS TOO VIGOROUSLY, AND THAT SIMPLE APPLICATION OF ARTICLE 51 TO THIS RESOURCE OBVIATED NEED FOR AN ARTICLE 53. CHILE, WITH PERUVIAN CONCURRENCE, RESPONDED THAT IF CONCEPTS OF ARTICLES 45, 50, AND 51 WERE ACCEPTABLE THEN STATES SHOULD BE ABLE TO AGREE ON ARTICLE WHICH RECOGNIZED INTERESTS AND RIGHTS OF ALL STATES WITHIN AND BEYOND THE ECONOMIC ZONE AND ADVISED RULES WHICH WERE FLEXIBLE AND ENCOURAGED FISHING WITHIN THE ZONE WHILE PROTECTING COASTAL STATES RIGHTS BEYOND.

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8. CHAIR SUMMARIZED FIRST WEEK'S WORK, SAYING CONSENSUS SEEMED POSSIBLE ON ARTICLE 53, WHICH, WITHIN THE FRAMEWORK OF THE ECONOMIC ZONE INCLUDING THE CONCEPTS CONTAINED IN ARTICLES 50 AND 51, RECOGNIZED THAT HIGHLY MIGRATORY SPECIES WERE A SPECIAL CASE AND MUST BE GIVEN SPECIAL TREATMENT. UNDER THIS CONCEPT, AN ARTICLE SHOULD THEN ASSURE THAT ALL STATES DERIVE THE OPTIMUM BENEFIT FROM  
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THE SPECIES. HE ALSO NOTED THAT THERE WERE STILL DIFFERENCES AS TO WHAT RULE AND/OR RECOMMENDATIONS THE ORGANIZATION SHOULD DEVISE, AND HOW THEY SHOULD BE APPLIED. CHAIR ALSO DISTRIBUTED DRAFT REGIONAL ARRANGEMENT (SUBMITTED TO HIM BY US) FOR STUDY OF PARTICIPANTS.  
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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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**Copy:** SINGLE  
**Draft Date:** 10 NOV 1975  
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**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
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**Errors:** N/A  
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**Reference:** n/a  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** SmithRJ  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 07 MAY 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <07 MAY 2003 by ElyME>; APPROVED <03 OCT 2003 by SmithRJ>  
**Review Markings:**

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US Department of State  
EO Systematic Review  
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**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** NEW YORK TUNA TALKS  
**TAGS:** PLOS, XM, US, IATTC  
**To:** STATE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006